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W.P.No.35938 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.35938 of 2024 and
W.M.P.No.38825 of 2024

S.Muthusamy

...Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam, Chennai-600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Tiruppur.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Karur.
4. The Executive Officer
Arulmigu Vennaiimalai Bala Subramaniya Swamy Kovil
Vennaiimalai, Kadaparai Village,
Manmangalam Zone,
Karur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to dispose stay application in the revision petition before deciding the main revision petition in



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accordance with section 21 (6) of HR and CE Act 1959

For Petitioner

: Mr.R.Mohanaraja

For respondents 1 to 4

: Mr.N.R.R.Arun Natarajan

Special Government Pleader (HR & CE)

ORDER

This writ petition is filed seeking a direction to 1st respondent to dispose of the stay petition pending on the file of 1st respondent along with revision petition filed by the petitioner challenging the eviction order passed by the 2nd respondent in M.P.No.344 of 2021.

2. It is not in dispute that 2nd respondent initiated proceedings for eviction of petitioner under Section 78 of HR & CE Act and final eviction order was passed on 16.09.2024. Challenging the said eviction order, the petitioner preferred a revision under Section 21 of HR & CE Act before the 1st respondent and the same is said to be pending. It is also stated by the petitioner that he has filed application for stay pending revision petition and the same has not been taken up for consideration by the 1st respondent. Hence, the petitioner has come before this Court seeking direction to dispose of the stay petition.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR



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& CE), who takes notice for the respondents, on written instructions, submits that the stay application will be taken up for consideration by the 1st respondent and the same will be disposed of on merits within a time stipulated by this Court.

4. In view of the same, the 1st respondent is directed to take up the stay application filed by the petitioner and final order shall be passed on the stay application on its' own merits within a period of two weeks from 09.12.2024 after giving reasonable opportunity to the petitioner.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

S.SOUNTHAR, J.
nr

To
1. The Commissioner

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